

Notice of Allowability

Application No.

10/707,991

Applicant(s)

PAOLINI ET AL.

Examiner

William C. Choi

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview conducted 2/15/2005.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ The drawings filed on 30 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 0205.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Georgia Epps

Supervisory Patent Examiner

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David J. Cole on February 15, 2005.

The application has been amended as follows:

1. Cancel claims 18-23.

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Allowed Claims: 1-17.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103.

Specifically, with respect to independent claim 1, none of the prior art alone or in combination disclose or teach of an electrophoretic display comprising an electrophoretic medium comprising a plurality of capsules, each comprising a capsule wall, a suspending fluid held within the capsule wall and at least one electrically charged particle suspended in the suspending fluid as claimed, specifically further wherein the electrophoretic medium comprises a liquid in which the capsules are suspended.

Specifically, with respect to independent claim 11, none of the prior art alone or in combination disclose or teach of an electrophoretic display comprising an electrophoretic medium comprising a plurality of capsules, each comprising a capsule wall, a suspending fluid held within the capsule wall and at least one electrically charged particle suspended in the suspending fluid as claimed, specifically further wherein the electrophoretic medium comprises a liquid in which the capsules are suspended..

Specifically, with respect to independent claim 17, none of the prior art alone or in combination disclose or teach of a process for forming an electrophoretic display comprising providing an electrophoretic medium comprising a plurality of capsules, each comprising a capsule wall, a suspending fluid held within the capsule wall and at least

one electrically charged particle suspended in the suspending fluid as claimed, specifically further wherein the electrophoretic medium comprises a liquid in which the capsules are suspended.

CITATION OF RELEVANT PRIOR ART

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eldon et al (U.S. 2003/0218595 A1) is being cited herein to show an electrophoretic display disclosing structural limitations of that of the claimed invention. However, due to the filing date of the reference, it does not qualify to be used towards a rejection of the application.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Choi whose telephone number is (571) 272-2324. The examiner can normally be reached on Monday-Friday from about 9:00 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.


Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

W.C.
William Choi
Patent Examiner
Art Unit 2873
February 15, 2005


Georgia Epps
Supervisory Patent Examiner
Technology Center 2800